

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEFFERY WAYNE MCBRIDE, JR.,)

Plaintiff,)

v.)

No. 4:16-CV-1773 JAR

UNITED STATES DISTRICT COURT)
FOR THE EASTERN DISTRICT)
OF MISSOURI,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion for leave to proceed in forma pauperis. The motion is granted. Because plaintiff has no funds in his prison account, the Court will not assess a partial initial filing fee at this time. *See* 28 U.S.C. § 1915(b)(4). However, the Court will require plaintiff to submit an updated prison account statement in order to determine whether a partial fee can be assessed at this time.

Plaintiff has filed a second amended complaint, a notice of default, and multiple affidavits of truth. The claims are difficult to interpret, and they are not on the Court's approved forms. As a result, it is no longer clear what plaintiff's claims are or what plaintiff is seeking for relief. So, the Court will require plaintiff to submit an amended complaint on the Court's form.

Plaintiff is warned that the filing of an amended complaint replaces the original complaint, and so he must include each and every one of his claims in the amended complaint. *E.g., In re Wireless Telephone Federal Cost Recovery Fees Litigation*, 396 F.3d 922, 928 (8th Cir. 2005). Any claims from the original complaint that are not included in the amended complaint will be considered abandoned. *Id.* Plaintiff must allege how each

and every defendant is directly responsible for the alleged harm. In order to sue defendants in their individual capacities, plaintiff must specifically say so in the complaint. If plaintiff fails to sue defendants in their individual capacities, this action may be subject to dismissal. Plaintiff's claims must be submitted on one, centralized complaint form.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [ECF No. 2] is **GRANTED**.


IT IS FURTHER ORDERED that, no later than twenty-one (21) days from the days of this Order, plaintiff must submit a prison trust account statement.

IT IS FURTHER ORDERED that the Clerk is directed to send plaintiff a prisoner civil rights complaint form.

IT IS FURTHER ORDERED that, no later than twenty-one (21) days from the date of this Order, plaintiff must submit an amended complaint on the Court's form.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the Court will dismiss this action without further proceedings.

Dated this 18th day of January, 2017.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE